

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION NO. 1:09cv913 (WOB)

L.F.P.IP, LLC, ET AL.

PLAINTIFFS

VS.

ORDER

HUSTLER CINCINNATI, INC.,
ET AL.

DEFENDANTS

This matter is before the Court on the parties' notices as to remaining issues in this case (Docs. 237, 238), the Court having now ruled on all claims and counterclaims herein.¹

The parties agree that there are no further issues that the Court needs to address at this time. The Court will thus deny pending motions without prejudice so that a final judgment may be entered and any appeal taken. Further, the Court finds well taken defendants' argument that Jimmy's claim for breach of contract to make a will should be dismissed without prejudice because the Court found that that claim has not yet accrued.

¹ The Court's opinion on plaintiffs' trademark claim did not expressly address plaintiffs' related federal and state false impression and deceptive practices causes of action. (Doc. 187). However, as plaintiffs noted in their motion for summary judgment, the analysis of these claims mirrors that for a claim for trademark infringement under the Lanham Act. (Doc. 166 at 13) (citing cases so holding). Defendants did not dispute this principle.

Therefore, having reviewed this matter, and the Court being otherwise sufficiently advised,

IT IS ORDERED that:

(1) Defendants' counterclaim for breach of contract to make a will be, and is hereby, **DISMISSED WITHOUT PREJUDICE**, and all other counterclaims are **DISMISSED WITH PREJUDICE**;

(2) Plaintiffs' motion for order to show cause (Doc. 209) and motion for sanctions (Doc. 219) be, and are hereby, **DENIED**; and

(3) A separate judgment shall enter concurrently herewith.

This 22nd day of January, 2013.



Signed By:

William O. Bertelsman *WOB*
United States District Judge